

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

REMARKS

Applicant, Mr. Aaron L. Enatsky, is thanked for the courtesies extended during the telephonic interview conducted on February 3, 2002. Claims 1-18 are pending. The specification has been amended. Claims 1, and 8 have been amended. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

Claims 1-6, 8-15, and 17-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,206,782 B1 to *Walker* et al. in view of U.S. Patent No. 6,146,272 to *Walker* et al., while claims 7 and 16 stand rejected as being unpatentable over the same references in further view of U.S. Patent No. 6,383,078 B1 to *Yacenda*. These several rejections are respectfully traversed.

Claim 1 has been amended to recite that "at least one computer is connected to at least one server via an Internet purchaser entering predefined information into the server via the computer, where the at least one server automatically forms at least one virtual group of lottery ticket purchasers based on the predefined information entered by the purchasers, which sets the purchasers for the group, and that the at least one server stores group information for the at least one virtual group which includes entered choices for the predefined information." Support for this limitation may be found at page 8, lines 5-10 of the specification. Accordingly, the claim as amended does not contain new matter.

U.S. Patent No. 6,206,782 B1 to *Walker* et al. relates to a system for facilitating group play by a team of members associated with a casino slot club that comprises a memory storage device and a processor. According to this reference, the memory storage device contains a player database including information relating to each team member, a teams database including information relating to each team, and a team plan database including information relating to a set of rules for allocating rewards to the members of the team when a payout is obtained by, or is due to, a particular team member (see col. 2, lines 47-56). However, this reference fails to teach the limitation "wherein at least one computer is connected to at least one server via an Internet purchaser entering predefined information into the server via the computer, where the at least one server automatically forms at least one virtual group of lottery ticket purchasers based on the predefined information entered by the purchasers, which sets the purchasers for the group, and that the at least one server stores group information for the at least one virtual group which includes entered choices for the predefined information," as set forth in amended independent claim 1.

U.S. Patent No. 6,146,272 to *Walker* et al. discloses a conditional lottery ticket system that processes conditional lottery ticket transactions, including the acceptance and validation of play entries. According to this reference, the conditional lottery ticket system preferably includes a central lottery server and one or more remote lottery terminals. The conditional lottery ticket system permits a player to purchase conditional lottery tickets that are not activated until one or more player-

defined activation conditions are satisfied (see col. 2, lines 25-34). Basically, this reference is directed to the purchase of a single conditional lottery ticket by an individual player. In this case the tickets are not activated until one or more player-defined activation conditions are defined (see *Abs.*). However, this reference fails to cure the deficiency of the *Walker* '782 patent. Specifically, the *Walker* '272 patent also fails to disclose that "at least one computer is connected to at least one server via an Internet purchaser entering predefined information into the server via the computer, where the at least one server automatically forms at least one virtual group of lottery ticket purchasers based on the predefined information entered by the purchasers, which sets the purchasers for the group, and that the at least one server stores group information for the at least one virtual group which includes entered choices for the predefined information," as set forth in amended independent claim 1.

U.S. Patent No. 6,383,078 B1 to *Yacenda* discloses a system and method for facilitating on-line lottery games provided over an electronic network such as the Internet. According to this reference, a lottery player needs to previously subscribe to an Internet service and log on to the Internet and jump to a website providing on-line lottery games in order to participate in on-line lottery games. When a subscriber accesses the Internet, a telephone service provider generates automatic number identification (ANI) information and ANI information is provided to an Internet service provider (ISP) who provides the Internet. Further, the ISP stores the ANI information associated with the location of the subscriber. When the subscriber is

routed to a website providing lottery games, the ISP generates caller identification (ID) information to an agent that provides the website providing on-line lottery games over the Internet. The caller ID information includes the ANI information and is associated with the subscriber (see col. 2, lines 66-67 and col. 3, lines 1-15). However, this reference also fails to cure the deficiency of the *Walker* '782 patent. Specifically, *Yacenda* fails to disclose that "at least one computer is connected to at least one server via an Internet purchaser entering predefined information into the server via the computer, where the at least one server automatically forms at least one virtual group of lottery ticket purchasers based on the predefined information entered by the purchasers, which sets the purchasers for the group, and that the at least one server stores group information for the at least one virtual group which includes entered choices for the predefined information," as set forth and claimed.

In view of the above amendments and remarks, it is respectfully requested that the application be reconsidered and that all pending claims be allowed and the case passed to issue.

Amended independent method claim 8 corresponds to amended independent system claim 1, and hence, is also patentable over the cited references for the same reasons set forth above with respect to the corresponding system claim. Claims 2-7 depend from independent claim 1, claims 9-17 depend from independent claim 8. Thus, those dependent claims are patentable over the cited references for at least the same reasons as provided above for independent claims 1 and 8. Therefore,

applicant submits that the claims of the present application are patentable over the cited references.

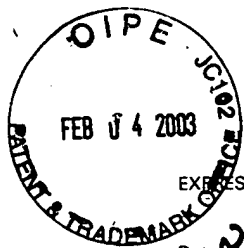
If there are any other issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'A.A. Collins', written over a horizontal line.

Alphonso A. Collins
Reg. No. 43,559
Attorney for Applicants

DARBY & DARBY, P.C.
Post Office Box 5257
New York, NY 10150-5257
Phone (212) 527-7700



EXPRESS MAIL CERTIFICATE

Date 2/4/03 Label No. EV 294034978W

I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail/Post Office to Addressee" service.

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

X. Stantini X. Stantini
Name (Print) Signature

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No: 7415/OG540

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Michael OSTERER

Serial No.: 09/747,100

Art Unit: 3713

Confirmation No.: 1500

Filed: 12/21/00

Examiner: ENATSKY, Aaron L.

For: INTERNET GAMING SYSTEM

MARK-UP FOR AMENDMENT OF FEBRUARY 4, 2003
PURSUANT TO 37 C.F.R. §1.121

February 4, 2003

Box AF

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

IN THE SPECIFICATION:

On Page 6, bridging pages 7 and 8, delete the last paragraph and insert the following new paragraph:

FIG. 3 is a flow diagram that illustrates the setup of an exemplary virtual group 21 created at the server 101 for purchasing lottery tickets for a group of people according to the invention. To create the virtual group 21, group information for the purchasers is stored in the server 101 in step 301. The group information comprises, e.g., the member list 201, which includes biographical information for each of the purchasers in the group; the member e-mail 202, which includes electronic mail (e-mail) addresses for the purchasers (if any); the member tel 203, which includes the telephone numbers for the purchasers (if any); the member fax 204, which includes the fax numbers for the purchasers (if any); and the member cell 205, which includes the cellular telephone numbers for the purchaser (if any). In step 302, the lottery information with respect to the lottery tickets the purchasers desire to procure is stored in the server 101. The lottery information comprises, e.g., the lottery type 206, which includes the types of lottery tickets the purchasers desire to procure (e.g., the state lottery of any of the 50 states in the U.S. or the provinces of Canada, the lottery sponsored by any U.S. territory, such as Puerto Rico or the U.S. Virgin Islands); the purchase volume 207, which includes the number of lottery tickets the purchasers desire to procure; and the purchase interval 208, which includes the frequency of the lottery ticket purchases. In step 303, the number selection 209, which includes the manner and method for selecting entry numbers for the lottery tickets, is stored in the server 101 and confirmed. The number selection can include computer-generated random numbers at the server 101, arbitrary number selection per the purchasers'

entry, random number selection from a fixed pool of numbers provided by the purchasers, number generation according to a predetermined number selection algorithm provided at the server 101 or selected by the purchasers, etc. In step 304, the distribution method 210, which includes the manner of delivering the lottery tickets to the purchasers (if needed); and the notice method 211, which includes the method of notifying the purchasers of the results of the lottery ticket drawings, are stored in the server 101 and confirmed. In step 305, the tracking interval 212, which includes the frequency of monitoring or tracking the results of the lottery ticket drawings, is stored in the server 101 and confirmed. In step 306, the payment method 213, which includes the method of payment designated by the purchasers, is stored in the server 101 and confirmed. The payment method can include credit cards, personal checks, wire transfer, automated payment and replenishment services such as EZPass™, online payment services such as PayPal™ or eBillPay™, etc. In step 307, the virtual group 21 is created at the server 101 according to [he] the information gathered for storage in steps 301, 302, 303, 304, 305 and 306 which correspond to the group of purchasers of lottery tickets. In step 308, a chat room corresponding to the virtual group 21 is created at the server 101. Access to the chat room created for the virtual group 21 is provided for all of the purchasers (step 309), but access may be limited to the purchasers, e.g. by means of passwords.

IN THE CLAIMS:

1. (Twice Amended) A system for purchasing lottery tickets over the Internet comprising:

at least one server; and

at least one computer connected to the at least one server via [the] an Internet purchaser entering predefined information into said server via said computer;

wherein [the] said at least one server [hosts] automatically forms at least one virtual group of lottery ticket purchasers based on the predefined information entered by the purchasers, which sets the purchasers for the group, the at least one server storing group information for the at least one virtual group which includes entered choices for the predefined information;

wherein the at least one server stores lottery information about at least one lottery;

wherein the at least one server causes the lottery tickets to be purchased for the purchasers according to the group information and the lottery information; and

wherein the at least one server communicates results of the purchase of lottery tickets to the purchasers on the basis of the group information.

8. (Twice Amended) A method for purchasing lottery tickets over the Internet in a system including at least one server and at least one computer connected to the server via the Internet purchaser entering predefined information in the server via the computer, the at least one server storing group information, a virtual group of purchasers of lottery tickets, and lottery information on at least one lottery, the method comprising the steps of:

- (a) electronically purchasing the lottery tickets according to the group information and the lottery information;
- (b) communicating results of the lottery ticket purchasers to the purchasers using the group information; and
- (c) repeating steps (a) and (b) according to the group information and the lottery information, unless any of the group information and the lottery information is changed.

Respectfully submitted,



Alphonso A. Collins
Reg. No. 43,559
Attorney for Applicants

DARBY & DARBY, P.C.
Post Office Box 5257
New York, NY 10150-5257
Phone (212) 527-7700